

Attachment 2

Historical Background on the Hazards of Smoking and Smoking Regulation

The Hazards of Smoking

Debate over the hazards and benefits of smoking has divided physicians, scientists, governments, smokers and non-smokers since tobacco was first imported to Europe from the Americas in the sixteenth century. In June 1957, Surgeon General Leroy Burney declared it the official position of the U.S. Public Health Service that the evidence pointed to a causal relationship between smoking and lung cancer. However, it was Surgeon General Luther Terry's 1964 report, "On Smoking and Health", that finally began to have an influence on public attitudes and policy. The report highlighted the deleterious health consequences of tobacco use and held cigarette smoking responsible for a 70% increase in the mortality rate of smokers over non-smokers.

Later reports on smoking and health confirmed and extended the findings of the 1964 Terry report. A 1969 report warned that smoking during pregnancy could lead to spontaneous abortion, still birth and neonatal death. A 1979 report focused on the health risks for youth who smoke. A 1983 report called smoking the most important modifiable risk factor for coronary heart disease. A 1988 report concluded that cigarette smoking was addicting, equivalent to heroin and cocaine addiction. The accumulated scientific evidence helped transform the cigarette from a symbol of American individualism to a sign of personal disregard for health.

Surgeon General C. Everett Koop's 1986 report, "The Health Consequences of Involuntary Smoking", decisively portrayed secondhand smoke not just as an annoyance, but as a quantifiable health risk. Sustained exposure to secondhand smoke was equivalent to smoking about 2 cigarettes a day, a moderate rate of cigarette consumption but one that nonetheless raised the risk of lung cancer and other diseases. According to some reports, passive smoking contributed to more than 50,000 deaths per year in the U.S. This finding provided an impetus for government regulation.

Background on Smoking Regulations

In 1987, Congress banned smoking on all domestic flights of two hours or less, extending the ban to all domestic flights two years later. In 1992, the Environmental Protection Agency placed passive smoke on its list of major carcinogens, making it subject to federal workplace and other regulations. Grass-roots anti-smoking groups lobbied for the establishment of designated smoking areas in office buildings, restaurants and sporting venues, and then later for a general ban on smoking in public places. By the mid-1990s, more than 500 local communities and 40 states had enacted such measures.

Interestingly, the County of San Luis Obispo was one of the first communities in the nation to regulate smoking behavior in enclosed spaces. Ordinance 1631 was introduced by the Board of Supervisors in 1976 and was accompanied by over 2,900 signatures on petitions and 10 letters of support, including one letter that was signed by 44 County employees. The ordinance was adopted on April 26, 1976 and created Section 8.22 of the County Code which established non-smoking areas in public places, including restaurants, elevators, waiting rooms, libraries and theaters. While Ordinance

1631 was ahead of its time, by 1995 the Legislature of the State of California decided to act, and found, “that regulation of smoking in the workplace is a matter of statewide interest and concern. It is the intent of the Legislature in enacting this section (California Labor Code Section 6404.5) to prohibit the smoking of tobacco products in all enclosed places of employment in this state”. Labor Code 6404.5 superseded County Code 8.22, thus making its provisions moot.

California laws have continued to evolve since 1995 and the state is recognized as one of the leaders in statewide smoking bans. In 1998, the workplace ban was extended to include bars. Additionally California prohibits smoking within 20 feet of any door, window or air intake of any government building within the state, including public universities and any public building leased to private firms. In 2003, a state law was passed banning smoking within 25 feet of playgrounds or toddler sandboxes. In 2008, smoking in the presence of a minor while in a moving vehicle became a misdemeanor offense.

While not smoking in enclosed spaces has become the social norm, the most recent focus of anti-smoking campaigns has been to ban smoking in outdoor areas. “Failure to ban smoking in outdoor public venues may expose non-smokers to levels of environmental tobacco smoke as high as or higher than received in indoor spaces where smoking is restricted.” (James Replace, Tobacco Control Digest, March 2000.) For many years it was widely assumed that outdoor tobacco smoke dissipated into the atmosphere and away from people. The truth, however, is that the 4,000 chemicals within the smoke quickly cool off, become invisible and contaminate the air. A 2007 Stanford University study found that, “a person near an outdoor smoker might inhale a breath that contains 50 times more toxic materials than if they were breathing near a non-smoker.” A December 2010 report from Surgeon General Regina Benjamin states, “There is no safe level of exposure to tobacco smoke. Any exposure to tobacco smoke – even an occasional cigarette or exposure to secondhand smoke – is harmful.”

The list of cities and counties within California that have prohibited tobacco use in outdoor areas is extensive. In 2006, the City of Calabasas passed one of the most restrictive bans in the country, which basically limits tobacco use to personal residences. Other cities and counties that have comprehensive ordinances include Santa Rosa, Mammoth Lakes, Santa Monica, Contra Costa County, Marin County, Laguna Woods, Emeryville, Baldwin Park, Burbank, Temecula, El Cajon, Belmont, Ross, Berkeley, Novato, Hayward, Albany, Loma Linda, Camarillo, Eureka, Santa Barbara County and Thousand Oaks. Locally, the City of San Luis Obispo passed a comprehensive ordinance in 2010, and the cities of Pismo Beach, Arroyo Grande, Morro Bay and Atascadero have varying ordinances banning smoking in outdoor areas.